

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

GAIL CORVELLO, et al.,	)	
Plaintiffs,	)	C.A. No. 05-0221S
	)	(Related Case Nos.: 05-522S,
v.	)	05-274S, 05-370S)
	)	
NEW ENGLAND GAS COMPANY;	)	
SOUTHERN UNION COMPANY	)	
Defendant and	)	
Third-Party Plaintiff,	)	
	)	
v.	)	
	)	
BRIDGESTONE AMERICAS TIRE	)	
OPERATIONS, LLC and	)	
HONEYWELL INTERNATIONAL INC.	)	
Third-Party Defendants.	)	

**FIFTH<sup>1</sup> JOINT MOTION TO CONTINUE HEARING DATE**  
**ON THE SIMPSON FAMILY TRUST'S MOTION TO QUASH**

Non-Party the Simpson Family Trust (the "Trust") and Third-Party Plaintiff Southern Union Company/New England Gas Company (collectively, "Southern Union") respectfully submit this joint request that the Court continue the hearing on the Trust's Motion to Quash the Subpoena of Southern Union, presently scheduled for Monday, October 15, 2012, for an additional thirty (30) days because a still anticipated settlement between Southern Union and Third-Party Defendant Bridgestone Americas Tire Operations, LLC ("Bridgestone") will obviate the need for the subpoena to inspect and sample the land at issue in the Trust's Motion.

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<sup>1</sup> The initial Joint Motion to Continue Hearing was filed on May 25, 2012 (Doc. 1006), and granted by text order entered later that day. The Second Joint Motion to Continue Hearing Date was filed on June 20, 2012 (Doc. 1007) and granted by text order entered later that day. The Third Joint Motion to Continue Hearing Date was filed on July 23, 2012 (Doc. 1008) and granted by text order entered the following day. The Fourth Joint Motion to Continue Hearing Date was filed on August 27, 2012 (Doc. 1010) and granted by text order entered the following day.

As noted in the parties' prior Joint Motions to Continue Hearing Date, Southern Union and Bridgestone engaged in mediation and reached a settlement in principle. Since that time, Southern Union and Bridgestone have worked together and made significant progress towards finalizing the language of the parties' settlement documents. But while Southern Union and Bridgestone continue to work on the proposed settlement documents, it is unlikely that the documents will be finalized before the hearing presently scheduled for October 15, 2012.<sup>2</sup>

Because the anticipated Southern Union-Bridgestone settlement will not be finalized before the October 15, 2012 hearing, and because that settlement, and Bridgestone's dismissal from the case, will render moot Southern Union's subpoena to the Trust, as well as the Trust's Motion to Quash, the Trust and Southern Union respectfully request that this Court continue the hearing on the Trust's motion for thirty (30) days.

Respectfully submitted,

SOUTHERN UNION COMPANY AND  
NEW ENGLAND GAS COMPANY  
By its Attorneys,

/s/ Robin L. Main

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Dated: October 10th, 2012

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<sup>2</sup> Southern Union has also now engaged in mediation with third party defendant Honeywell International, Inc., and reached a settlement in principal, and Southern Union and Honeywell are presently working to finalize the language of their settlement documents.

**CERTIFICATE OF SERVICE**

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I hereby certify that on the 10th day of October, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Robin L. Main

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